

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ARTURO GOMEZ MOLINA,

Defendant.

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CASE NO. 8:05CR339

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Report and Recommendation (Filing No. 23) issued by Magistrate Judge Thomas D. Thalken recommending denial of the motion to suppress (Filing No. 14) filed by the Defendant, Arturo Gomez Molina. No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing evidence seized and a statement made as the result of the September 7, 2005, traffic stop and search of the vehicle driven by the Defendant. The Defendant argues that he was illegally detained after the initial stop and that his statement was the fruit of the illegal detention. There is no disagreement that probable cause existed for the stop. Judge Thalken determined: the period of detention was justified and reasonable under the circumstances; and the Defendant knowingly and voluntarily consented to the search of the vehicle.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 15, 16) and the transcript (Filing No. 21). The Court has also viewed the evidence (Filing No. 19). Because Judge Thalken fully, carefully, and

correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 23) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 14) is denied.

DATED this 10th day of March, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge